

A C T S  
O F T H E  
GENERAL ASSEMBLY  
O F T H E  
STATE OF NEW-JERSEY,

At a SESSION begun at PRINCETON on the 27th Day  
of *August* 1776, and continued by Adjournments.

TO WHICH IS PREFIXED,

T H E  
C O N S T I T U T I O N  
O F T H E  
S T A T E.

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BURLINGTON:  
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## C H A P. XX.

*An ACT for the better regulating the Militia.*

Preamble.

**W**HEREAS it is at all Times of great Importance to the Safety of the State, that the Militia should be under proper Regulation and Government ; but more especially so at the present critical and interesting Period, in which the utmost Exertions of a well-disciplined Militia are occasionally necessary to defeat the Designs of the *British* Court, and to preserve and defend the Freedom and Independence of the United States of *America* ;

Lifts to be made.

*Seet. I.* BE IT THEREFORE ENACTED by the Council and General Assembly of this State, and it is hereby Enacted by the Authority of the same, That every Captain or Commanding Officer of a Company, who now is or hereafter shall be duly appointed and commissioned by the Governor, shall, immediately after the Publication of this Act, take a Lift of all able-bodied Men, not being Slaves (except as is herein after excepted) between the Ages of sixteen and fifty Years, who reside in his District, and are capable of bearing Arms ; a Copy of which Lift he shall deliver to the Colonel or commanding Officer of the Regiment or Battalion to which he belongs.

Returns to be made.

2. THAT every Captain or commanding Officer shall make Return of the Number of Men in his Company, their Accoutrements and Ammunition, at least quarterly, to the Colonel or commanding Officer of the Regiment to which he belongs ; and that every Colonel or commanding Officer of a Regiment shall make Return of the Condition of his Regiment, at least once in every six Months, to the Brigadier-General of the Brigade to which he shall belong ; on Failure whereof the Captain shall forfeit the Sum of *Thirty Shillings*, and the Colonel *Three Pounds* for each and every Offence, to be levied and appropriated in the Manner herein after directed.

Returns of the Brigades.

3. THAT each Brigadier-General shall make Return of the Condition of his Brigade once in six Months to the Commander in Chief of this State, under Penalty of *Ten Pounds* for each Default, to be levied and appropriated as herein after directed.

How to be equipped,

4. THAT every Person above directed to be enrolled shall bear Arms, attend Musters, and in all Things be conformable to the Rules and Orders herein after mentioned ; and shall, as soon as possible, furnish himself with a good Musket, well fitted with a Bayonet, Steel Ramrod, Worm, Priming-wire and Brush, a Knap sack, Canteen, twelve Flints, Cartouch-Box, and twenty-three Rounds of Cartridges suited to his Gun, under the Forfeiture of *Five Shillings* for Want of a Musket, and *One Shilling* for the Want of any of the other Articles ; provided, that in case any Person shall be furnished with a good Rifle Gun, with all its necessary Apparatus, and a Sword, Cutlafs or Tomahawk, it shall be accepted in Lieu of a Musket and the Accoutrements proper thereto.

5. THAT every Person, directed to be enrolled as aforesaid, shall, at his

## WILLIAM LIVINGSTON, Esquire, GOVERNOR.

27

his Place of Abode, be provided with one Pound of good merchantable Gun-Powder, and three Pounds of Ball fitted to the Size of his Musket or Rifle, under the Forfeiture of *Three Shillings* for Want of either. and provided.

6. THAT each whole Company of Militia do assemble, properly accounted as aforesaid, on the first *Monday* in every Month (except the Companies in the County of *Cape-May*, and those of the first Battalion of Militia in the County of *Salem*, who shall assemble, accounted as aforesaid, on the first *Saturday* in every Month) at such Place as the Captain or commanding Officer shall direct, *That is to say*, From the Month of *October* to the Month of *April* inclusive, they shall meet at ten o'Clock in the Forenoon, and from the Month of *May* to the Month of *September* inclusive, they shall meet at two o'Clock in the Afternoon, and there shall spend the Remainder of the Day in improving themselves in military Discipline, Exercise and Knowledge; and that a general Muster or Review be had of each Regiment three Times in every Year, at such Times and Places as the Field-Officers, or a Majority of them, shall direct: But if the local Situation of the Companies, which compose any Regiment, render it inconvenient to have a regimental Review, the Field-Officers, or a Majority of them, may review such Regiment in Divisions, provided each Division be reviewed three Times in a Year. Times of Muster.

7. THAT every Regiment be officered with a Colonel, Lieutenant-Colonel, two Majors, an Adjutant and Quarter-Master, and may be provided with a Chaplain, Surgeon and Mate; and that every Company shall be officered with a Captain, two Lieutenants and an Ensign; and that each Company shall appoint any Number not exceeding four Sergeants, four Corporals, one Drummer and one Fifer. How the Regiments and Companies are to be officered.

8. THAT in case any Person shall refuse or neglect to serve as a Sergeant, Corporal, Drummer or Fifer in any Company, being thereunto appointed as aforesaid, he shall forfeit the Sum of *Forty Shillings*; and any Sergeant who shall neglect or refuse to warn the Company to meet when required by the Captain or commanding Officer, shall forfeit the Sum of *Three Pounds* for every such Refusal or Neglect; provided that none be appointed Sergeants or Corporals but such as have actually appeared or shall appear in Arms; Provided also, That no Person be fined more than once a Year for refusing to accept any of said Offices. Fines for non-commissioned Officers refusing Duty.

9. THAT the following Penalties be inflicted on those who do not attend and obey orders on the Days appointed for general Musters or Reviews, *to wit*, On a Colonel the Sum of *Six-Pounds*, on a Lieutenant-Colonel *Five Pounds*, on a Major *Four Pounds*, on a Captain *Three Pounds*, Lieutenants, Ensigns, Adjutants and Quarter-Masters *Two Pounds* each, and upon Sergeants, Corporals, Drummers, Fifers, and all Privates directed to be enrolled as aforesaid, not less than *Seven Shillings and Six-pence*, nor more than *Twenty-two Shillings and Six-pence* for each and every Default, to be assessed at the Discretion of the Field-Officers of the Regiment, or a Majority of them, due Regard being had to the Estate and Circumstances of the Delinquents; and Penalties for Non-Attendance on general Musters.

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that

that the same Penalties be inflicted on those Officers and Privates of Companies who do not attend properly accoutred, and obey Orders on the Times appointed for the Meeting of Companies, at the Discretion of the commissioned Officers of the Company to which the Delinquents belong. And if any commissioned Officer, at such Meeting of the Company or general Review, shall misbehave or demean himself in an unofficer-like Manner, he shall, for such Offence, be cashiered or otherwise punished by Fine, at the Discretion of a general or regimental Court-Martial, as the Case may require, so that such Fine exceed not the Sum of *Ten Pounds*, and in such Case due Regard shall be had to the Rank and Circumstances of the Offender.

Non-commissioned Officers or Soldiers misbehaving on Duty,

10. THAT any non-commissioned Officer or Soldier who shall, while on Duty, be found drunk, or who shall use reproachful or abusive Language towards any of his superior Officers, or shall quarrel himself, or promote any Quarrel among his Fellow-Soldiers, shall be disarmed by the Captain or commanding Officer at the Head of the Company, be turned out of the Ranks for that Day, and be fined by the said Captain or commanding Officer in any Sum not more than *Twenty Shillings*; and, if necessary, shall be put under Guard during the Time the Company shall continue under Arms, but no longer.

or appearing with bad Arms or Accoutrements.

11. THAT any non-commissioned Officer or Soldier who shall, on the Day appointed for the Meeting of the Company, or of a general Review, appear with his Arms or Accoutrements in an Order or Condition unfit for Service, shall be fined by the Captain or commanding Officer, in any Sum not less than *One Shilling*, nor more than *Five Shillings*:

Non-Attendance in due Season.

12. THAT any non-commissioned Officer or Soldier, who shall not attend in due Season on the Day appointed for the Meeting of the Company, or of a general Review, shall, in the first Case, be fined by the Captain or commanding Officer in any Sum not exceeding *Ten Shillings*, and, in the second Case, in any Sum not exceeding *Twenty Shillings*.

Persons unable to purchase Arms and Accoutrements, when to be exempted.

13. THAT any Person who, by a Majority of the commissioned Officers of the Company to which he belongs, shall be deemed unable to purchase the Arms, Accoutrements and Ammunition afore-mentioned, shall be exempted from the Payment of Fines, on appearing at the Time of Meeting or Review, without the necessary Equipment, until the same be provided for him.

Fines of Infants and Servants.

14. THAT the Fines of young Men living with their Masters, Mistresses, or Parents, who are above the Age of sixteen Years, and under that of twenty-one, and of white Servants who shall neglect or refuse to do the Duties enjoined by this Act, shall be levied on the Estates of the Masters, Mistresses, or Parents.

Lists of Delinquents, when and how to be transmitted.

15. THAT the Field-Officers, once in every six Months, and the Captains and Subalterns, once in every two Months, do transmit a List of Delinquents in their respective Departments, with the Fines annexed and properly attested, to any Justice of the Peace for the County in which



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WILLIAM LIVINGSTON, Esquire, GOVERNOR.

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29

which such Delinquents reside. PROVIDED ALWAYS, That no such List shall be so returned till two Weeks after such Fines shall be awarded.

16. THAT the military Officers, in all Cases where they are empowered to impose Fines on Delinquents, are hereby directed to admit reasonable Excuses, and thereon to discharge any Person fined from Payment of his Fine ; provided such Fine be not returned to the Justice.

Reasonable  
Excuses.

17. THAT the commanding Officer of every Regiment be and hereby is empowered and directed to receive any Fine awarded by the Field-Officers of the same, and to give Receipt therefor ; and the commanding Officer of every Company is hereby empowered and directed to receive any Fine awarded by the Officers of the same, and to give Receipt therefor ; provided the Payment of such Fine be offered before the Delinquent's Name be returned as aforesaid ; and such commanding Officer shall, once in every six Months, transmit to the County Collector all Fines by him, and the Names of the Persons from whom, received ; and, in case of Default, shall forfeit the Sum of *Five Pounds* ; to be recovered by said County Collector in any Court of Record where the same shall be cognizable, the one Half for the Use of the Poor of the Township where the Defaulter resides, and the other Half for the Use of the County Collector so suing for the same, with Costs of Suit ; and such commanding Officer shall also, in such Case, be subject to an Action of Debt, at the Suit of such Collector, for the Recovery of the whole Sum by him received, with Interest on the same, and Costs of Suit.

Who are to  
receive Fines.

18. THAT in all Cases, where the Age of any Person shall be disputed, such Person shall prove his Age to the Satisfaction of a Majority of the Officers in the Limits of whose Company he resides.

Age disputed.

19. THAT all Militia Officers shall take an Oath or Affirmation for the due Performance of their Trust, with Respect to the Assessment of Fines by Virtue of this Act.

Militia Off-  
cers to be  
qualified.

20. THAT if any Person remove from the Limits of his own into those of any other Company, he shall be considered as belonging to the Company into the Limits of which he may remove, and shall be enrolled accordingly ; and every Person, between the Ages of sixteen and fifty Years, capable of bearing Arms as aforesaid, who shall come from any of the neighbouring States into this State, shall, within two Weeks after his Arrival, be enrolled in the Company within the Limits of which he may happen to reside, and thereafter in every Respect be deemed to be one of said Company.

Persons re-  
moving and  
Strangers  
coming.

21. THAT all Fines, herein before imposed upon any Officer or Soldier, shall, in case of Refusal of Payment, be levied on the Goods and Chattels of the Offender, by Warrant of Distress from a Justice of the Peace, directed to the Constable of the Township or District wherein such Offender shall reside ; who shall, at least five Days before the Sale, give Notice thereof by Advertisements, in three publick Places in the Neighbourhood.

Fines, how to  
be levied,

22. THAT the Fines and Forfeitures aforesaid, levied by any Con- and paid.  
stable,

stable, shall, when recovered, be paid to the Justice who issued the Warrant, who is hereby directed to pay the same to the Collector of the District in which the Offender resides.

Three Com-  
panies of  
Horse;

23. AND WHEREAS light Horse are extremely useful and necessary, BE IT THEREFORE ENACTED *by the Authority aforesaid*, That three Companies of Horse shall be embodied in this State, and no more; that each Company shall consist of thirty-three Privates, and be officered by a Captain, Lieutenant and Cornet, who shall be considered as of equal Rank with the Captains, first Lieutenants and Ensigns of Foot Militia.

their Regula-  
tions,

24. THAT the Officers and Privates in every Troop shall, in every Respect (save that of Equipment and Forfeiture for Want thereof) be conformable to the Regulations herein established for the Government of the Foot Militia.

and Accou-  
trements.

25. THAT every Trooper shall furnish himself with a good Horse, a good Bridle and Saddle, Holsters and Case of Pistols well fitted, a Sword or Cutlafs, a well fixed Carbine, with Belt, Swivel and Sling, and a Cartouch Box that will contain twelve Rounds of Cartridges, under the Forfeiture of *Six Pounds* for the Want of a Horse, and of *Twenty Shillings* for the Want of a Saddle and Bridle, or Carbine, or Holsters and Case of Pistols, and of *Three Shillings* for the Want of any of the other Articles.

Troopers to  
have Powder  
and Ball.

26. THAT every Trooper shall, at his Place of Abode, be provided with one Pound of good merchantable Gun-Powder, and three Pounds of Ball fitted to his Carbine and Pistols, under the Forfeiture of *Three Shillings* for the Want of any of the said Articles: All which Fines and Forfeitures shall be levied and paid in Manner aforesaid.

Who may en-  
list in the  
Horse.

27. THAT no Person, save such only as is able to furnish himself with all the Accoutrements necessary to equip a Trooper, shall enlist in any of the said Companies of Horse.

Pay and Ra-  
tions of the  
Horse.

28. THAT the Horse Militia, when in actual Employ, shall, as a Compensation for their personal Service, have the same Pay, Rations and Allowance as the Horse of the United States of *America*; and, as the Horsemen furnish themselves with Horses, they shall, when in actual Service, be allowed at the Rate of *One Shilling and Six-pence* a Day over and besides the Continental Pay, as a Compensation for the Use of their Horses.

Power of the  
Captain-Ge-  
neral.

29. THAT the Captain-General or Commander in Chief for the Time being, in case of Invasion, Insurrection or Alarm, or in Time of War, may, and he is hereby empowered to call into actual Service the whole Militia, or to order such Detachments as he shall judge necessary; and on Application of the Congress, or the Commander in Chief of the Continental Army, it shall and may be lawful for the Commander in Chief of this State for the Time being, with the Advice of the Legislature when sitting, or, in their Recess, with the Advice of the Privy Council, to order the said Militia, or any Part thereof, to assist the Con-  
tinental

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WILLIAM LIVINGSTON, Esquire, GOVERNOR.

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31

tinental Army in any of the neighbouring States : And that any Militia Officer, in case of sudden Alarm, may and is hereby required to assemble the Men under his Command, and to use his best Endeavours to annoy the Enemy, or to repel an Invasion, without waiting for Orders from the Commander in Chief, making Return of such his Proceedings to the Commander in Chief, or to his Brigadier-General as soon as possible.

30. THAT, in order the more effectually to secure personal Service in Times of imminent Danger, every non-commissioned Officer or Soldier, directed to be enrolled as aforesaid, who shall neglect or refuse to march when called upon on an Invasion or Alarm, or who, when the Company to which he belongs shall be convened for the Purpose of raising Levies, or detaching the Whole or Part of the Militia for the Defence of the State, or any of the neighbouring States, shall neglect or refuse to march when detached in his Turn, or to provide a fit Person to march in his Stead, shall, for each Offence, be fined at the Discretion of the Persons herein after named, and in the Manner herein after directed, in any Sum not less than *Five Pounds*, nor more than *Thirty Pounds*.

Fines of non-commissioned Officers and Soldiers for not marching.

31. THAT every commissioned Officer, who shall neglect or refuse to march with the Battalion or Company to which he belongs, at the Time of an Invasion or Alarm, or to take his Tour of Duty when called upon, shall, if a Field-Officer, be tried by a general Court-Martial; and, if under the Rank of a Field-Officer, be tried by a regimental Court-Martial; and, if convicted, shall be cashiered and deemed unfit for further Service as an Officer; and, on Certificate of such Conviction returned to the Assessor herein after mentioned, shall also, at the Discretion of the Persons herein after named, and in the Manner herein after directed, be fined in any Sum not less than *Eight Pounds*, nor more than *Forty Pounds*.

Fines and Punishment of commissioned Officers for not marching.

32. THAT, when Part only of the Militia shall be called for, the Field-Officers of each Battalion shall ascertain the Proportion to be taken from each Company in their Battalion, observing as a Rule the Number of Men in the several Companies which compose such Battalion; and, in such Case, the commissioned Officers of each Company shall be, and they are hereby empowered to count off such Proportion, and to determine who shall go from their Company, paying due Attention to, and keeping in View as a general Rule, the Course or Tour of Duty.

Detachments from the Militia.

33. THAT, in order to equip as far as possible every Man who shall be detached, the commissioned Officers of every Company are hereby empowered and directed to impress and take from such of the Militia in their Company, as are not ordered into Service, a Number of Muskets with their Accoutrements, sufficient to equip those who are detached as aforesaid, giving Receipts and taking Appraisements under Oath for the same : And the Muskets and Accoutrements so at any Time taken, if lost or damaged in the Service, shall be made good by the State : PROVIDED ALWAYS, That it be in the Option of any Owner to take back his Musket or Accoutrements, and have the Damage valued by

How to equip the Detachments.

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the

the former Appraisers, and made good, or to be paid the full Price of the same, as ascertained by the afore-mentioned Appraisers. And the County Collector is hereby empowered and directed to pay, as the Case may require, the full Value of such Mullet and Accoutrements, or the Amount of the Damage so as aforesaid appraised; which said Mullet and Accoutrements, if fully paid for, shall be delivered to the commanding Officer of the Battalion for the Use of the State; and the Treasurer is hereby empowered and directed to repay the Sum so as aforesaid advanced by such County Collector.

Commissioned Officers to judge of Excuses.

34. THAT the commissioned Officers of every Company shall be, and they hereby are authorized and directed to hear and adjudge of any Excuse that may be offered by any non-commissioned Officer or Soldier of their Company, for not performing any Duty enjoined by the thirtieth Section of this Act; and they shall, by Advertisements, in two publick Places in the Limits of said Company, give Notice of the Time and Place of their Meeting to hear and adjudge thereof: And the said Officers are hereby further directed to observe as a general Rule (although there may be some special Exceptions, of which too they are to judge) that no Excuse, save that of Sicknes, shall be admitted as legal and valid for not performing any Duty enjoined by the Section last above-mentioned; and, in order to enable said Officers fairly and fully to decide upon any Excuse, they are hereby empowered to examine on Oath, which any of them may administer, any Person touching the Truth of such Excuse.

How the Fines are to be assessed.

35. AND WHEREAS it is highly proper and necessary that the Fines directed to be levied in Consequence of any Violation of the thirtieth and thirty-first Sections of this Act, should be in Proportion as well to the Estate as to the military Rank of the Offenders, BE IT THEREFORE ENACTED *by the Authority aforesaid*, That the Field-Officers of every Battalion, or a Majority of them, and the commissioned Officers of every Company, or a Majority of them, (as the Case may require) shall, as soon as possible, make Return of the Names of the Offenders against the Sections last mentioned to the Assessor within whose District such Offenders reside; and the said Assessor shall, and he is hereby directed and empowered to call to his Assistance any two Justices of the Peace of the County, and, in Conjunction with them, to ascertain and assess the Fine to be paid by every Person in such District, who shall have offended against the two Sections aforesaid; observing always, neither to go above nor below the Sums mentioned therein. PROVIDED, That the Agreement of any two of the three, as to said Assessments, shall be conclusive.

Assessors Qualification.

36. THAT every Assessor, previous to his doing any Thing in the Assessment-Way by Virtue of this Act, shall make Oath before some Justice of the Peace for the County in which he resides, *That he will truly and impartially, according to the best of his Skill and Understanding, ascertain and assess the Fine of every Offender agreeably to his ratable Estate, and military Rank, and to the true Intent and Meaning of this Act.*

37. THAT every such Assessor shall, with all convenient Speed, transmit to the Collector, in whose District such Offenders reside, an Account of



## WILLIAM LIVINGSTON, Esquire, GOVERNOR.

33

of all Fines so as aforesaid assessed; and every such Collector shall make a Demand of all such Fines so transmitted to him, within ten Days after receiving the Account.

Account of  
Fines to be  
transmitted to  
the Collector.

38. THAT in case any Person shall refuse or neglect to pay such Fine to the Collector when demanded, or on Notice properly given at the Place of his Abode, such Collector, within fifteen Days after the Demand or Notice, shall return the Name of the Offender, with the Sum he is to pay, to any Justice of the Peace in the County in which the Offender resides; which Justice is hereby empowered and directed to administer an Oath or Affirmation to said Collector, that the Fine had been demanded of, or Notice thereof given to, the Offender, and thereupon to issue his Warrant to the Constable to raise from any Goods and Chattels of the Offender (except Arms, Accoutrements and Ammunition) by Distress and Sale, after proper Advertisement as aforesaid, the Sum in which he was assessed, with Costs, as herein after is directed. And the Constable is hereby required to pay the said Sum to the Collector in whose District the Offender resides, and the Overplus, if any, to return to the Owner.

Mode of re-  
covering the  
Fine.

39. THAT every Constable shall forfeit the Sum of *Six Pounds* for Breach of any Part of the Duty enjoined on him by this Act, to be recovered by the Collector in whose Township or District he resides, in any Court of Record where the same shall be cognizable, with Costs of Suit, to be appropriated the one Half to the Use of the Poor of the said Township or District, and the other Half to the Use of the Collector so suing for the same: And in case any Collector shall knowingly conceal the Affair, or neglect to sue the Constable offending as aforesaid, for the Space of ten Days after receiving Notice of such Offence, or shall any otherwise commit a Breach of the Duty enjoined him by this Act, he shall forfeit the Sum of *Six Pounds* for every Offence, to be recovered by any Person who will sue for the same; the one Half for the Use of the Poor of the Township or District in which the Collector resides, and the other Half, with Costs of Suit, for the Use of the Person suing.

Constables  
Forfeiture.

40. THAT any Justice of the Peace, who shall neglect or refuse to perform any Act or Duty hereby enjoined on him, shall forfeit for each Offence the Sum of *Twelve Pounds*; to be recovered by any Person who will sue for the same, of which the one Half shall be paid to the Overseer of the Poor, in whose Township or District the Offender resides, for the Use of the Poor in said District; and the other Half, with Costs of Suit, to the Person suing for the same.

Justices For-  
feiture.

41. PROVIDED ALWAYS, That any Person, who shall think himself aggrieved by any such Assessment, may, on Payment of the same, and at any Time within the Space of ten Days after Demand or Notice thereof as aforesaid, appeal therefrom to the next, but no other, Court of General Quarter Sessions of the Peace for the County; which Court is hereby empowered to decide thereon, and said Decision shall be conclusive.

Appeal.

42. THAT the Assessors shall have and receive the Sum of *One Shilling*

Affessors and  
Collectors  
Fees.

*ling* for every Fine, as a Compensation for their Trouble in Assessing ; and the Collector shall receive *Four-pence* in the *Pound* for collecting the Fines herein directed to be by them assessed and collected ; except the County Collectors, who shall have only *Two-pence* in the *Pound* allowed them.

Justices Fees.

43. THAT the Justice shall receive the Sum of *One Shilling* for every Warrant of Distrels issued for military Default, the same to be levied, with the Penalty, on the Estate of the Offender.

Constables  
Fees.

44. THAT every Constable shall levy upon the Estate of each Offender, mentioned in the Warrant to him directed, the following Sums, over and besides the Penalties laid in the Warrant, as a Compensation for his Trouble, *to wit*, For every non-commissioned Officer and Soldier the Sum of *One Shilling and Six-pence*, and for every Field-Officer, Captain, Lieutenant, Ensign, Adjutant, and Quarter-Master, the Sum of *Two Shillings and Six-pence*.

Town Collec-  
tors to pay the  
County Col-  
lectors.

45. THAT every Town Collector shall, once in six Months, pay the Collector of the County in which he resides, the Sum of Money he may collect and receive by Virtue of the Directions of this Act ; and any such Collector, who shall neglect or refuse to pay all such Sums to the County Collector in Manner aforesaid, shall, besides the Penalty before mentioned for the Breach of Duty, be subject to an Action of Debt, at the Suit of such County Collector, for the Recovery of the whole Sum by him received, with Interest on the same, and Costs of Suit. And that the County Collectors pay to the Captains of each Company as much Money out of the Fines paid into his Hands, as the Field-Officers of each Battalion, in Conjunction with the Justices and Assessor herein before mentioned, or a Majority of them, shall judge necessary to be expended for the instructing Drummers and Fifers in the respective Companies ; which Adjudication, with the Captain's Receipt thereon, shall be a Discharge for so much of the publick Money to the said Collector.

County Col-  
lector to pay  
the Treasurer  
annually.

46. THAT every County Collector shall annually pay to the Treasurer of this State the Sums of Money he shall receive from the Township Collectors as aforesaid, except so much as shall have been adjudged to be expended for the Instruction of Drummers and Fifers as aforesaid ; and any County Collector, who shall neglect or refuse to pay the same, shall forfeit for every Offence the Sum of *Fifty Pounds*, to be recovered by the Treasurer in any Court of Record where the same shall be cognizable, the one Half for the Use of the State, and the other Half for the Use of the Treasurer, with Cost of Suit ; and such County Collector shall also in such Case be subject to an Action of Debt, at the Suit of the Treasurer, for Recovery of the whole Sum by him received, with Interest, and Cost of Suit.

County Col-  
lectors to  
transmit Ac-  
counts to the  
Legislature.

47. THAT all the County Collectors shall annually transmit to the Legislature of this State an Account of the Monies which they shall have received and transmitted to the Treasurer by Virtue of the Directions of this Act.

48. THAT

## WILLIAM LIVINGSTON, Esquire, GOVERNOR.

35

48. THAT the Foot Militia, when in actual Service, shall have the same Pay, Rations and Allowance, as the Forces of the United States of *America*. Pay and Rations of the Foot Militia.

49. THAT no Process whatever, unless in Behalf of the State, shall be served on any Officer or Soldier, who shall appear and obey Orders on the Day and at the Place appointed for any private or general Muster; or while in actual Service; or in going to or returning from such Place of Muster or Service. Officers and Soldiers, when exempted from Process.

50. THAT no Officer or Soldier, in going to or returning from his Place of Training, shall pay more than one third Ferriage; and any Ferryman refusing to ferry at that Rate shall forfeit the Sum of *Twenty Shillings*, the one Half to the Prosecutor with Costs of Suit, and the other Half to the Use of the Poor of the Township or Precinct where such Ferry is kept; and every Officer and Soldier shall pass free over Toll-Bridges in going to or returning from Training. What Exemption from Ferriages and Tolls.

51. THAT Offenders shall, in all Cases, be committed to Gaol when Effects cannot be found whereon to levy Execution. Where Offenders are to be committed to Gaol.

52. THAT the Militia, as well Horse as Foot, shall, when in actual Service, be subject to Courts-Martial, and be under the same Regulations, as the Troops of the United States of *America*. Provided, That the Militia of this State shall be tried by their own Officers only; and provided also, that the Pains and Penalties imposed by a Court-Martial shall not extend to the taking of Life or Member, or to the Infliction of any corporal Punishment, unless in the Cases following, to wit, *Any Officer or Soldier, who shall hold a treacherous Correspondence with or give Intelligence to the Enemy, or who shall desert to the Enemy, and afterwards be taken, or who shall misbehave himself before the Enemy, or shamefully abandon any Post committed to his Charge, or shall speak Words inducing others to do the like, shall suffer Death, or such other Punishment as a general or regimental Court-Martial shall direct.* Courts-Martial.

53. THAT the Members of the Legislative Council and Assembly, the Delegates of the Honourable Congress for this State, the Attorney-General, the Secretary and Treasurer of this State, the Judges and Justices of the Supreme and Inferior Courts and Courts of Admiralty, the Clerks of the Council and Assembly, the Clerks of the Courts of Record, the Governor's private Secretary, the Ministers of the Gospel of every Denomination, the President, Professors and Tutors of Colleges, the Sheriffs and Coroners of this State, one Constable for each Township, to be selected by the Court of Quarter-Sessions, in case neither Constable in the Township shall be exempted by Age, and Ferryman, *That is to say, Two for each publick Ferry on the Delaware below the Falls at Trenton, and one for every other publick Ferry in this State,* shall be, and they hereby are exempt from military Duty. Exceptions.

54. THAT nothing in this Act contained shall be construed to oblige the Men, not exceeding ten in Number, employed at the Salt Works erected by Doctor *Samuel Bard*, and exempted by an Ordinance of the Convention of this State, to do any military Duty during the Continuance of this Act. Ten Men at Dr. Bard's Salt Works exempted.

M

55. AND

Persons ex-  
empted, to  
pay a Tax.

55. AND WHEREAS it is highly reasonable that the Burden of the publick Service should be laid as equal as possible on all the Inhabitants: AND WHEREAS every Principle of Justice and civil Society requires, that all such as are exempted from actual Service in the Militia should, in a pecuniary Way, contribute their just Proportion towards the Defence and Preservation of the Government, under which they claim, and are entitled to receive, Protection; BE IT THEREFORE ENACTED by the Authority aforesaid, That upon and out of the Estates, Real and Personal, of such Persons within this State as are of the Age of fifty Years and upwards, and are exempted from military Service on the Score of Age, and of such as are between the Ages of sixteen and fifty Years, and are exempted on the Score of Inability of Body, and of such as are exempted on the Score of Profession, or Office, or otherwise, there shall yearly and every Year, during the Continuance of this Act, be assessed, levied, and collected, over and besides all other Taxes, a Rate or Tax to the same Amount, in the same Proportion, and in the same Manner, as such Persons and their Estates would be rated and assessed at in Taxes for the Sinking Fund, in such Year when the Sum of *Fifteen Thousand Pounds* was directed to be raised in this State, and in every Respect agreeably to and under the same Penalties as are expressed in an Act, entitled, *An Act to settle the Quotas of the several Counties in this Colony, for the levying Taxes*, and passed the sixth Day of *December*, in the Year of our Lord One Thousand Seven Hundred and Sixty-nine. PROVIDED ALWAYS, That every Person, exempted as aforesaid from actual Service in the Militia, who shall, at his own Expence, fit out any one or more Son or Sons, under Age, and living in his Service, Apprentice or Apprentices, Servant or Servants, and keep him or them properly equipped and accoutred as by this Act is required, shall, for every Son, Apprentice or Servant, so kept equipped and accoutred as aforesaid, be entitled to a Deduction of one Third Part of the said Tax; and if he shall so fit out and keep equipped and accoutred three or more Sons, Apprentices and Servants, he shall not be subject to the Payment of any such Tax.

Fund for Re-  
lief of disa-  
bled Soldiers,  
and of Wi-  
dows and  
Children.

56. THAT the Money, arising from the Fines aforesaid, and from the Taxation of Exempts, and directed to be deposited in the State Treasury, shall be set a part and appropriated, as a Fund, for the Relief and Benefit of such Soldiers, as may be wounded or disabled, and of the Widows and Children of such as may lose their Lives in the Service of this State, in Proportion to their respective Necessities, and to such other Purposes as the Legislature shall direct.

Former Mi-  
litia Laws re-  
pealed.

57. THAT all Laws made by any former Legislature of this State, and Ordinances of any Congress or Convention, for regulating the Militia, or in anywise respecting the same, shall be, and they are hereby repealed and made void.

Continuance.

58. THAT this Act shall continue in Force for the Space of one Year, and from thence to the End of the next Sitting of General Assembly, and no longer.

*Passed at Haddonfield, March 15, 1777.*